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COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 October 1991, at 3 p.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 3.15 p.m.

COOPERATION WITH OTHER COMPETENT BODIES (agenda item 9) (continued)

1. Mr. CANTWELL (Defence for Children International Movement), replying to questions asked by Mrs. Santos Pais and Mrs. Mason, said that there were already a number of NGOs with databases on questions relating to children, which were computerized to varying degrees and to which the Committee could have access. It was also planned to set up a network of such databases, in which his organization would certainly be involved. The planned network had attracted the attention of UNICEF and could certainly be made use of by the Committee.

2. The idea of dividing the various NGOs into subgroups corresponding to the topics - currently numbering six - on which States parties must provide information in their reports to the Committee, was interesting and quite in keeping with the NGOs' objectives regarding the assistance which they could provide to the Committee. That question, together with all those taken up by the Committee before the end of the session, would probably be raised at the following meeting of NGO groups in mid-November.

ADOPTION OF THE RULES OF PROCEDURE OF THE COMMITTEE (agenda item 4) (continued) (CRC/C/L.1)

3. The CHAIRMAN invited members of the Committee to begin the second reading of the draft provisional rules of procedure as amended by the Committee in first reading. The existing introduction would be deleted from the final text.

PART I. GENERAL RULES

I. SESSIONS

Rule 1 (Meetings of the Committee)

4. Mr. KOLOSOV wondered whether, as a session comprised a number of meetings, it might not be better to replace the word "meetings" in the English text by "sessions".

5. Mr. BRUNI (Secretary of the Committee) explained that the word "session" had a very precise meaning. That was why it had been felt preferable to use the word "meetings", which was more flexible and allowed the Committee more freedom to organize its schedule in the light of its work and its needs.

6. Mrs. BELEMBAOGO said that, in the circumstances, the French text of the article should be amended, with the word "session" being replaced by "réunion".

7. The CHAIRMAN said that the secretariat would make the necessary amendments to the French text of Rule 1.

8. Rule 1, as amended in first reading, was adopted.

Rule 2 (Regular sessions)

9. Mrs. EUFEMIO wondered whether paragraph 1 was not inconsistent with article 43, paragraph 10, of the Convention, which stated that "the Committee shall normally meet annually". In her view, that meant once only, unless "normally" was to be interpreted as "on average", which would mean that the Committee could hold more than one session a year. In order to avoid any problems, it might be preferable to delete the word "normally" from rule 2.

10. Mrs. SANTOS PAIS did not agree that the Convention should be interpreted as meaning specifically that the Committee could not hold more than one session per year. The use of the word "normally" introduced an element of flexibility and afforded the Committee the possibility of holding a number of regular sessions, depending on its needs. Consequently, it would be preferable to retain it in paragraph 1.

11. Mr. HAMMARBERG agreed with Mrs. Santos Pais. The Committee should interpret the Convention provision stipulating that it "shall normally meet annually" as meaning that it was to hold annual sessions and, if necessary, it could choose to hold two a year.

12. Mrs. EUFEMIO said that she was quite prepared to accept that interpretation. She had simply wished to draw attention to the need to ensure that the rules of procedure were consistent with the provisions of the Convention.

13. Rule 2, as amended in first reading, was adopted.

Rule 3 (Special sessions)

14. Rule 3 was adopted without amendment.

Rule 4 (Place of sessions)

15. Rule 4 was adopted without amendment.

Rule 5 (Notification of opening date of sessions)

16. Rule 5 was adopted without amendment.

II. AGENDA

Rule 6 (Provisional agenda for regular sessions)

17. Mr. KOLOSOV said that, in the first line of the English text, the same wording as in the title should be used, with the word "of" being replaced by "for".

18. The CHAIRMAN said that the secretariat would make the necessary changes.

19. Mr. HAMMARBERG said that the main aim of rule 6 was to set out the procedure for preparing the provisional agendas of sessions. However, it might be worth considering, without including any specific reference in the

rules of procedure, preparing a model agenda for regular sessions to serve as a sort of inventory to which the secretariat could refer in preparing for a session. The Rapporteur could assist the secretariat in that task.

Rule 6, as amended in first reading, was adopted with the editorial amendment made to the English text in second reading.

Rule 7 (Provisional agenda for special sessions)

20. Rule 7 was adopted without amendment.

Rule 8 (Adoption of the agenda)

21. Mrs. BELEMBAOGO said that the words "of these rules" should be added at the end of the English text to bring it into line with the original French version.

22. Mr. BRUNI (Secretary of the Committee) said that there would be no difficulty in aligning the English with the French text, which had been so worded to avoid any possible confusion between the rules of procedure and the articles of the Convention arising from the fact that the word "rule" in English was officially translated into French as "article".

23. Mr. KOLOSOV said that a reference to rule 21 of the Rules of Procedure should also be included since, in the event of the Chairman's absence or inability to preside, the Committee would first of all have to elect a successor.

24. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) explained that the words "election of the officers" meant the election of all officers. Where no officers had yet been elected, the session would be opened by the representative of the Secretary-General who would chair the meeting until a Chairman was elected. If the officers had been elected and the Chairman was absent for some reason, he would be replaced by the Vice-Chairman, who opened the following session, and the Committee could then proceed to adopt the provisional agenda and elect new officers to replace any who could not serve for some reason.

25. Mrs. EUFEMIO asked what happened on the expiry of the term of officers who had already been elected for two years. Did the rule also apply at the end of those two years?

26. Mrs. KLEIN-BIDMON (Representative of the Secretariat) said that the officers were always elected for a two-year term. On the expiry of their term, new officers were elected and that election was naturally the first item on the agenda, in accordance with rule 8, which was therefore applicable in such cases.

27. Rule 8, as amended in second reading, was adopted.

Rule 9 (Revision of the agenda)

28. Rule 9 was adopted without amendment.

Rule 10 (Transmission of the provisional agenda and basic documents)

29. Rule 10, as amended in first reading, was adopted.

Rule 11 (Members)

30. Rule 11, as amended in first reading, was adopted.

Rule 12 (Term of office)

31. Rule 12 was adopted without amendment.

Rule 13 (Beginning of term of office)

32. Rule 13, as amended in first reading, was adopted.

Rule 14 (Filling of casual vacancies)

33. After an exchange of views in which Mr. KOLOSOV and Mrs. KLEIN-BIDMON (Representative of the Secretary-General) took part, the CHAIRMAN suggested that the English text as amended in first reading should be amended as follows: in the first line of paragraph 3, the word "paragraph" should be in the plural and the words "of this rule" should be added after the figure "2"; in addition, in the fourth line of paragraph 5, the comma after the word "concerned" should be deleted.

34. It was so decided.

35. Rule 14, as amended in first and second reading, was adopted.

Rule 15 (Solemn declaration)

36. Rule 15 was adopted without amendment.

Rule 16 (Elections)

37. Rule 16 was adopted without amendment.

Rule 17 (Term of office)

38. Rule 17 was adopted without amendment.

Rule 18 (Position of Chairperson in relation to the Committee)

39. Rule 18 was adopted without amendment.

Rule 19 (Acting Chairperson)

40. After an exchange of views in which Mr. KOLOSOV, Mr. HAMMARBERG, Mrs. EUFEMIO, Mrs. SANTOS PAIS, the CHAIRMAN and Mrs. KLEIN-BIDMON (Representative of the Secretary-General) took part, the CHAIRMAN suggested

that the words "in the absence of such a designation, one of the Vice-Chairpersons will act in his or her place" should be added at the end of the text.

41. It was so decided.

42. Rule 19, as amended, was adopted.

Rule 20 (Powers and duties of the Acting Chairperson)

43. Rule 20 was adopted without amendment.

Rule 21 (Replacement of officers)

44. Rule 21, as amended in first reading, was adopted.

Rule 22 (Duties of the Secretary-General)

45. Rule 22, as amended in first reading, was adopted.

Rule 23 (Statements)

46. Mr. HAMMARBERG said that, as it stood, rule 23 could be interpreted as meaning that no meeting of the Committee could take place in the absence of a representative of the Secretary-General, but that its subsidiary bodies (subcommittee or working group) could meet without the Secretary-General being represented.

47. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the Secretary-General or his representative was generally present at meetings of subcommittees or working groups.

48. Mr. HAMMARBERG asked who, in the absence of Mr. Houshmand or Mrs. Klein-Bidmon, would represent the Secretary-General at Committee meetings.

49. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that representatives of the Secretary-General were identified by the nameplates placed in front of them by the meeting secretariat.

50. Mr. KOLOSOV proposed that, in the light of the preceding exchange of views, the word "meetings", in the first sentence should be replaced by the word "sessions".

51. It was so decided.

52. Rule 23, as amended, was adopted.

Rule 24 (Servicing of meetings)

53. Rule 24 was adopted without amendment.

Rule 25 (Keeping the members informed)

54. Mr. HAMMARBERG, supported by Mrs. SANTOS PAIS, said that the wording of rule 25, an equivalent of which could probably be found in the rules of procedure of other convention bodies, was inadequate, and proposed that the words "and of other developments of relevance to the Committee" should be added at the end of the sentence.

55. Rule 25, as amended, was adopted.

Rule 26 (Financial implications of proposals)

56. Mrs. SANTOS PAIS suggested that the words "by the United Nations" should be added after "expenditures".

57. Mr. KOLOSOV said that he was quite prepared to accept the wording of rule 26, although that did not prevent the Committee from adopting any proposal it deemed necessary in the light of information provided by the secretariat regarding the cost of any such proposal.

58. Mrs. SANTOS PAIS said that she was prepared to withdraw her suggestion on the clear understanding that the secretariat's interpretation of rule 26 was the same as Mr. Kolosov's.

59. Mr. HAMMARBERG said that it was to be hoped that the rule would be interpreted in the general spirit of the Convention. Moreover, the Committee should be kept more precisely informed of the possible costs of its proposals and should be familiar with the financial framework within which its activities were conducted.

60. Mr. KOLOSOV recalled that, in any event, the Committee, being without its own budget, was in the hands of the Fifth Committee of the General Assembly.

61. Mr. HAMMARBERG said that, while that was true, the General Assembly could not be approached directly with every little request involving an increase of the budget, such as an additional day of meetings. It was therefore essential for the Committee to have a budgetary framework, approved by the General Assembly.

62. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) agreed with the two preceding speakers. While, under the current budgetary system, additional resources could be granted to the Committee for an additional day of meetings, any significant increase in expenditures must be approved by the General Assembly.

63. Rule 26 was adopted without amendment.

The meeting was suspended at 4.40 p.m. and resumed at 5.15 p.m.

Rule 27 (Official and working languages)

64. Mr. KOLOSOV proposed that, in the interests of economy, Russian should be excluded from the working languages of the Committee, as was the case for Arabic and Chinese. Accordingly, the word "Russian" should be deleted from the initial version of rule 27. Rule 30 should also be amended so that the Committee could, if necessary, obtain translations of relevant summary records in languages other than the working languages.

65. Rule 27, as amended, was adopted.

Rule 28 (Interpretation from an official language)

66. Rule 28 was adopted without amendment.

Rule 29 (Interpretation from an unofficial language)

67. Rule 29 was adopted with amendment.

Rule 30 (Languages of records)

68. Mr. KOLOSOV proposed that the initial wording of rule 30 should be retained, with the following addition at the end: "and any of them may be issued in the other official languages upon decision of the Committee".

69. Mr. HAMMARBERG asked what was the practice of other convention bodies in that regard.

70. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that, as far as she knew, all convention bodies had English, French and Spanish as working languages, with the addition of Russian in the cases of the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. The reports of States parties were translated into the working languages, as were the summary records. In addition, any document of interest to a convention body could be translated into the other working languages if that body so wished.

71. Rule 30, as amended, was adopted.

Rule 31 (Languages of formal decisions and official documents)

72. Mrs. SANTOS PAIS asked whether, in the English text, the description of decisions as "formal" had any special significance. Did it mean, for example, that some decisions would be translated only into the Committee's working languages? In her view, it would be ill-advised to limit the distribution of some decisions in that way.

73. Mr. KOLOSOV said that any document with a symbol emanating from the Committee should be considered as official. In any event, the Committee's report, in which all decisions of any kind - recommendations, observations, etc. - were reproduced, had the status of an official document of the Committee and would be translated into all official languages.

74. Mrs. SANTOS PAIS said that the symbol of a document reflected the status which the Committee had decided to attribute to it.

75. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that she understood that the secretariat had simply borrowed the expression "formal decisions" from the rules of procedure of other monitoring bodies. She confirmed the interpretation given by Mr. Kolosov, that all reports submitted to the General Assembly, and consequently any decision reproduced in them, were translated into all official languages, since those languages were also the working languages of the Assembly.

76. The CHAIRMAN noted that the term "formal" did not, in the circumstances, seem relevant and suggested that it should be deleted from the title and text of the rule.

77. Rule 31, as amended, was adopted.

VII. PUBLIC AND PRIVATE MEETINGS

Rule 32 (Public and private meetings)

78. Rule 32 was adopted without amendment.

Rule 33 (Issue of communiqués concerning private meetings)

79. The CHAIRMAN read out the provisions of rule 33, including the amendments made to the beginning of the paragraph by the drafting group, namely the insertion of square brackets around the words "the Committee or" and the deletion of the words "regarding the activities of the Committee at such meetings".

80. Rule 33, as amended, was adopted.

Rule 34 (Attendance of observers)

81. Mrs. SANTOS PAIS proposed that the Committee should defer any decision on rule 34 until it considered rules 70 and 74, which also dealt with the attendance of specialized agencies, United Nations bodies and other competent bodies with an interest in the Committee's work, so as to be able to deal with all the questions under consideration.

82. The CHAIRMAN said that she would take it that the Committee wished to adopt that procedure.

83. It was so decided.

VIII. RECORDS

Rule 35 (Correction of summary records)

84. Mrs. SANTOS PAIS noted that the time-limit of three working days following receipt of a record for the submission of corrections to it might be difficult to adhere to in practice.

85. The CHAIRMAN said that she understood that that condition was not always strictly applied.

86. Rule 35 was adopted without amendment.

Rule 36 (Distribution of summary records)

87. Rule 36 was adopted with the editorial amendments made in first reading to the French and Spanish texts.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Rule 37 (Distribution of official documents)

88. Mrs. SANTOS PAIS proposed that the word "official" in the third line of paragraph 1 should be deleted, in the light of the amendment made to rule 31. It might also be as well to add the words "and to other participants" at the end of paragraph 2, since it was important to sustain interest in the Committee's work and enable anyone participating in it to receive its documents, if needed.

89. Mr. HAMMARBERG said that, while that amendment was a good idea, the Committee should first specify the status of the various bodies and organizations which might attend its meetings, before reaching any final decision on rule 37. He proposed, therefore, that consideration of it should be postponed.

90. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee adopted Mr. Hammarberg's proposal.

91. It was so decided.

X. CONDUCT OF BUSINESS

Rule 38 (Quorum)

92. Rule 38 was adopted without amendment.

Rule 39 (Powers of the Chairperson)

93. Rule 39, as amended in first reading, was adopted.

Rule 40 (Points of order)

94. Rule 40 was adopted without amendment.

Rule 41 (Time limitation)

95. Rule 41 was adopted without amendment.

Rule 42 (List of speakers)

96. Rule 42 was adopted without amendment.

Rule 43 (Suspension or adjournment of meetings)

97. Rule 43 was adopted without amendment.

Rule 44 (Adjournment of debate)

98. Rule 44 was adopted without amendment.

Rule 45 (Closure of debate)

99. Rule 45 was adopted without amendment.

Rule 46 (Order of motions)

100. Rule 46, as amended in English in first reading, was adopted.

Rule 47 (Submission of proposals)

101. Rule 47, as amended in first reading, was adopted.

Rule 48 (Decisions on competence)

102. Article 48 was adopted without amendment.

Rule 49 (Withdrawal of motions)

103. Rule 49 was adopted without amendment.

Rule 50 (Reconsideration of proposals)

104. Rule 50, as amended in first reading, was adopted.

XI. VOTING

Rule 51 (Voting rights)

105. Rule 51 was adopted without amendment.

Rule 52 (Adoption of decisions)

106. The CHAIRMAN read out the text of rule 52 and of a footnote which the drafting committee proposed to add to it in the light of the Committee's exchange of views on the matter. The note read as follows:

> "a/ The members of the Committee expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Convention and the rules of procedure were observed."

107. Rule 52, as amended was adopted.

Rule 53 (Equally divided votes)

108. Rule 53 was adopted without amendment.

Rule 54 (Method of voting)

109. The CHAIRMAN read out the text of rule 54 as revised by the drafting committee, which read as follows:

> "Unless otherwise decided by the Committee and subject to rules 14 and 60, the Committee shall vote by a show of hands. Any member may request a roll-call vote, which shall be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson."

110. Rule 54, as amended, was adopted.

Rule 55 (Roll-call votes)

111. Rule 55 was adopted without amendment.

Rule 56 (Conduct during voting and explanation of votes)

112. Rule 56 was adopted without amendment.

Rule 57 (Division of proposals)

113. Rule 57 was adopted without amendment.

Rule 58 (Order of voting on amendments)

114. Rule 58 was adopted without amendment.

Rule 59 (Order of voting on proposals)

115. Rule 59 was adopted without amendment.

The meeting rose at 6 p.m.